

**Charter Township of Elmwood
Planning Commission
Special Meeting
June 3, 2021
7:00 PM
Approved July 7, 2021**

This meeting was held remotely due to Covid-19.

A. CALL TO ORDER: Chairman Bechtold called the meeting to order at 7:01 PM.

B. PLEDGE OF ALLEGIANCE: Chairman Bechtold led the Pledge of Allegiance.

C. ROLL CALL: Jeff Aprill-Elmwood Township, Leelanau County, Doug Roberts-Greilickville, Leelanau Co., Nate McDonald-Lake Ann, MI, Chris Mikowski, Elmwood Township, Leelanau Co., Rick Bechtold-Sewickley, PA
Jonah Kuzma, Elmwood Township, MI-8:02 p.m.

D. PUBLIC COMMENT: (1:53) Karyl Moore

E. AGENDA MODIFICATIONS/APPROVAL: (4:58) MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER APRILL TO ACCEPT AGENDA AS PRESENTED.

ROLL CALL VOTE: AYE- NATE MCDONALD, DOUG ROBERTS, JEFF APRILL, CHRIS MIKOWSI, RICK BECHTOLD. MOTION APPROVED.

F. DECLARATION OF CONFLICT OF INTEREST: (6:06) None

G. 1. Public Hearing ZO 2017-04-13 Removal of Short Term Rentals from Certain Zoning Districts (6:30)

The Chair read the statement to open the Public Hearing.

The Public Hearing opened at 7:07 p.m.

Staff stated this was an amendment they talked about at the beginning of May related to STR's so at the time the Township Board was looking to make STR's a non-conforming use in zoning districts so they have an amendment they changed to allow them in all zoning districts and then needed the second amendment to remove that use from the districts and at that meeting, the Planning Commission discussed that and decided to take them out of

most districts accept R3, NC, Manufactured housing, and the Shoreline District. At that meeting, they scheduled the Public Hearing and last week the Board did meet and talked about STR's and how to move forward and they're not so sure they want to go the non-conforming use route, they're looking to go back to a number and allowing them in some districts. She thought it was important they followed through with this Public Hearing. This can also reiterate to the Board the Planning Commission's position on which districts they are ok with STR's in. After the Planning Commission's decision it will go to the County and then to the Board.

Public Comment opened at 7:15 p.m.

Rod Jones does not support removing STR's as a use from some zoning districts to be effective one day after they are allowed. The process of allowing STR use then removing the use seems like spot zoning. He suggests an overlay on the lakeside parcels.

Sue Jones 12684 S. Cedar Ln. after 2 ½ years and last week's Township Board meeting, it feels like they're back at square one on STR's. Removing the STR's as a use from zoning and creating 40-60 non-conforming properties will have unintended consequences.

Karyl Moore understands the theory of what is in front of them, however, it appears under several provisions of the Michigan Zoning Enabling Act all of the Township's proposed zoning amendments are unnecessary because the existing zoning already addresses the commercial transient activity allowing for them in the general commercial, the shoreline commercial, under 5.4 #60 and the special use requirements of 5.5f, and under the motel definition.

Todd Space said the amendment under consideration that evening sounded like it may be totally moot but said please follow the lead of the current board rather than the former supervisor to reach a fair compromise on the STR issue like the neighboring townships have done.

Jack Kelly was surprised they were having a public hearing that evening because as Todd Space said it's somewhat moot. The Township Board was looking to create legal conforming uses out of STR's and then wanted the PC to make them illegal so eventually they would become legal non-conforming status. The problem with non-conforming status is it stays with the use forever.

Ann Marie Wigton 10825 S. Orchard Way was listening to stay on top of things and appreciates the time being put into STR's by the Commission who will take the lead from the Board who is trying to do something that is balanced for the community.

Public comment closed at 7:28 p.m.

The Chair said they were proceeding with the public hearing because at the time they had their meeting, the Township Board had not met and had come up with proposals so they had to treat this item separate and apart from their most recent direction.

Staff added, the Board did not make a motion or direct the Planning Commission to stop considering this amendment. It's as if you had an application and the applicant came in and wanted to withdraw their application, you continue to work on the application until you receive a letter to withdraw the application. The Board directed them and they have the amendment the PC has to act on.

The Chair said there was the request/application to examine this. So, as it stands, the current proposal is to allow STR's in R3, manufactured home parks, neighborhood commercial, and shoreline commercial.

The Commissioners discussed the amendment.

Commissioner Aprill knows the Township attorney said it would be ok to open the STR's for one day and then shut it back down but he thought that would be a mistake and he'd like to get another opinion on that. He would rather they not take any action or deny the Ordinance as printed.

The Chair said the one day bothered him too. He said if the Township Board wanted to go in a different direction than the PC if they as a result were to take no action on it; they have to thoroughly discuss it and deliberate, but if no action is taken then there would be nothing in the current Zoning Ordinance to address STR's other than whatever proposal happens to be before the Board.

Staff stated if they took no action, which she highly recommended against, if they want to recommend denial of the amendment that's also an option, but if they don't pass the amendment up, then the amendment is to allow them in all districts as the Board has it drafted. Even the denial, to deny removing them, the Board still has an amendment to allow them in all districts. She doesn't believe not taking action or denying them is the result they are looking for at the PC level.

The Commissioners discussed the zoning districts.

Commissioner Roberts had problems with R3 because it affects the housing stock, also the lack of housing for workers, and the effect on housing prices.

MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER MCDONALD TO REMOVE R3 FROM PROPOSED ZO 2017-04-13. ROLL CALL: AYE-DOUG ROBERTS, NATE MCDONALD, JEFF APRILL, CHRIS MIKOWSKI, RICK BECHTOLD. MOTION PASSED 5-0.

The Commissioners discussed the zoning districts.

MOTION BY COMMISSIONER ROBERTS, SECOND BY COMMISSIONER MCDONALD TO ALLOW SHORT TERM RENTALS IN THE GENERAL COMMERCIAL DISTRICT IN THE PROPOSED ZONING AMENDMENT.

DISCUSSION.

ROLL CALL: AYE-DOUG ROBERTS, NATE MCDONALD, JEFF APRILL, CHRIS MIKOWSKI, RICK BECHTOLD. MOTION APPROVED.

MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER MCDONALD TO REMOVE SHORT TERM RENTALS IN MOBILE HOME PARKS IN THE PROPOSED ZONING AMENDMENT. ROLL CALL VOTE: AYE-JEFF APRILL, NATE MCDONALD, DOUG ROBERTS, CHRIS MIKOWSKI, RICK BECHTOLD. MOTION PASSED UNANIMOUSLY.

The Chair clarified, if the proposed zoning amendment passes, the Commission is recommending STR's in neighborhood commercial, general commercial, and shoreline commercial.

The Commissioners deliberated and went through section 11.12d 1a-j.

MOTION BY CHAIRMAN BECHTOLD, SECOND BY COMMISSIONER MCDONALD TO RECOMMEND DENIAL OF THE AMENDMENT AS PROPOSED TO THE TOWNSHIP BOARD BASED ON THE CONSIDERATION OF SECTION 11.12D.

ROLL CALL: AYE-DOUG ROBERTS, NATE MCDONALD, CHRIS MIKOWSKI, JONAH KUZMA, JEFF APRILL, RICK BECHTOLD. MOTION PASSED 6-0.

H. COMMENTS FROM THE CHAIR: Commissioner Bechtold gave his deepest thanks to all the Commissioner's for their hard work.

I. COMMENTS FROM PLANNING COMMISSIONERS: Commissioner McDonald has lived in the township for several years and pointed out what Commissioner Roberts said earlier, it is very difficult to find affordable housing anywhere, but especially in the township.

Commissioner Roberts hopes the Board of Trustees looks very carefully at this and the consequences both intended and unintended of what this will do to the complexion of Elmwood Township.

Commissioner Kuzma echoed Commissioners Roberts and McDonald and Chairman Bechtold.

J. COMMENTS FROM STAFF: Staff noted they have a regular meeting scheduled for June 15th and the packets will be out next week and it will still be on Zoom due to lack of capacity in the township hall.

K. PUBLIC COMMENT: (1:50:04) Ann Marie Wigton, Jack Kelly, Rod Jones, Karyl Moore

L. ADJOURNMENT: MOTION BY COMMISSIONER ROBERTS, SECOND BY COMMISSIONER KUZMA TO ADJOURN MEETING AT 8:58 PM. ROLL CALL VOTE: AYE- DOUG ROBERTS, JEFF APRILL, CHRIS MIKOWSKI, JONAH KUZMA, NATE MCDONALD, RICK BECHTOLD. MOTION PASSED.